

Town of Fowler September 11, 2023, Minutes of Regular Scheduled Board Meeting at 6PM.

The Town of Fowler Regular scheduled Town Board meeting was held on the above date with all board members present. Also present were Town Clerk Tami Gale, Town Justice Tim Knowlton, Highway Superintendent Randy Durham, Planning Board Members Stephen Gale and Leo Knight, Maintenance Worker Byron Woodward, John and Deb Walsh, Richard Clement and Rachel Hunter, Editor of the Gouverneur Tribune Press.

Supervisor Newvine called the meeting to order at 6:00 PM then proceeded with the pledge of allegiance and led a moment of silence to honor our military men and women, all healthcare workers, all those who were lost in the terrorist attacks against the United States on September 11, 2001 and those who have been lost since the last board meeting: Donna Tupper, Lyndon Fuller Sr, and Alice Phelps.

Supervisor Newvine asked for a motion to approve the minutes from the August 14, 2023, regular scheduled board meeting. A motion was made by Councilperson Cleveland, seconded by Councilperson Bishop to approve the minutes. All in Favor. MOTION CARRIED.

BUDGET MEETING DATE DISCUSSION

Supervisor Newvine asked the board to set a date for a budget workshop to be held in preparation of the 2024 tentative budget. It was discussed that the Town Clerk needs to submit the tentative budget to the town board by October 5th. After some discussion, it was the consensus of the board to set a budget workshop for September 26th at 4:00PM at the town hall.

OCTOBER MEETING DATE CHANGE

Supervisor Newvine reported a date needed to be set for the October board meeting as the 2nd Monday in October falls on the Columbus Day holiday. After some discussion, it was the consensus of the board to change the October town board meeting to October 4th.

RESOLUTION

RESOLUTION # 16 of 2023

3 Year Cooperation Agreement for North Country Home Consortium commencing July 1, 2024 through June 30, 2026.

Supervisor Newvine discussed the agreement reporting that the Town of Fowler will enter into the agreement with the County of Jefferson, as the lead County, in order to participate in the North Country HOME Consortium comprised of Jefferson, Lewis, and St. Lawrence Counties in order to receive funding under the HOME Program. It was discussed that the term of the contract shall be for 3 years beginning July 1, 2024 and ending June 30, 2026.

A motion was made by Councilperson Andrews seconded by Councilperson Simmons to approve the agreement. All in Favor. MOTION CARRIED.

COOPERATIVE AGREEMENT BETWEEN EMPIRE STATE MINES AND THE NEW YORK STATE DEPARTMENT OF ENVIROMENTAL CONSERVATION

Supervisor Newvine reported the Town of Fowler was given a copy of the proposed Cooperative Agreement between Empire State Mines and the DEC in regard to the fishing access site (boat launch) located on Sylvia Lake, and such an agreement is re-signed every so many years.

Supervisor Newvine reported the only reason the Town of Fowler is involved is due to the Stipulations between the DEC and Empire State Mines regarding access to the boat launch which he read as follows:

- 1.) **Access to the boat launch on Sylvia Lake is on the Pumphouse Road only. All other roads and surrounding areas on Empire State Mines property are restricted to the public.**
- 2.) **No parking is allowed along the access road or at the Pump House. All vehicles and trailers must be removed from the launch area and parked at the Town of Fowler beach parking area, or some other area off Empire State Mines property.**
- 3.) **The boat launch site will be open during daylight hours only.**
- 4.) **If the gate is closed for various purposes of Empire State Mines, a sign will be posted stating when the launch area will reopen.**
- 5.) **The following acts are prohibited:**
 - a) **Hunting, trapping, camping, or parking.**
 - b) **Overnight mooring or beaching of boats.**
 - c) **Swimming or picnicking.**
 - d) **Building, maintaining, or using a fire.**
 - e) **Littering.**
 - f) **Loitering.**

After some discussion Supervisor Newvine asked for a motion to accept the stipulations as written in the agreement regarding the Town of Fowler. A motion was made by Councilperson Andrews seconded by Councilperson Cleveland. All in Favor. MOTION CARRIED.

Town Department Reports

Justice Department

Town Justice Tim Knowlton reported:

- He and Court Clerk Irma Ashley have completed their yearly training requirements for the year.
- Presented the board with a summary report of cases for the month of August 1st through August 31st, for their review.
- There have been more criminal cases this month compared to vehicle and traffic violations.
- No DA day will be held in the month of September as Court Clerk Ashley will be out of town, and everything will be adjourned to the month of October.
- The new court security officer is working out very well.

Bookkeeper

Supervisor Newvine reported for Bookkeeper Barbara Finnie who was not in attendance:

- She had provided Town of Fowler Cash Balance Reports for Month Ending August 31, 2023, and Budget Balances for August 31, 2023 to board members for their review.
- Both the highway budget and general fund budget are in good shape with no issues.

Assessors

Assessor Chair Kathy Besaw reported:

- There has been an increase in phone calls and office appointments this month, as people have received their school taxes.
There were a few issues with Star this year and she believes she has everyone straightened out.
- School taxes went up a couple of dollars per thousand which she has received several complaints about.
- Hydo is the biggest tax payer in the Town of Fowler.

- Hydro is the biggest tax payer in the Town of Fowler.
- The town has been in litigation with two of the hydro plants in the Town of Fowler for the last 5 years. The litigation is moving forward through the courts, and as a result, both the hydro plant and the Town need to submit appraisals for the hydro plants. She reported the cost of the appraisals will total \$9,500.00. If an appraisal is not submitted the other party automatically wins.
- The town receives their level of assessment in the fall after the sales are recorded. She reported that presently there is a property on Sylvia Lake that is listed for sale for 1.1 million dollars. She reported the property is assessed for 3500, meaning the assessment is saying that it is worth \$335,000. She reported she can't change this assessment even if it sells for a million dollars due to the assessments in the Town of Fowler being so skewed and discussed the need for a re-valuation to be done in the Town of Fowler, which would put everyone on an even playing field and have people paying their fair share of the tax burden. She reported the potential piece of the pie with this sale is huge and the tax burden that could be relieved if it were properly assessed, would be magnificent. She reported the property that is for sale for 1.1 million dollars has not been reassessed in 10 years.
- She reported there are only a handful of towns in St. Lawrence County that haven't had a re-valuation completed.
- She recommended that the town board invite Bruce Green, Director of the St. Lawrence County Real Property Tax Office to speak to the board and public to educate and inform all taxpayers about what happens when a re-valuation is completed.

Supervisor Newvine expressed he thought it was a good idea to have Bruce Green come to the Town of Folwer and hold an informational session on the re-valuation process, and he would get in touch with him to schedule a meeting on the subject.

Historian

Historian Karen Simmons reported:

- She is working on three separate genealogies.
- She will be working on the Korean Conflict plaque this winter and hopes to have them ready for the spring.
- She is looking for names of Fowler citizens who served in the Korean Conflict if anyone has information to share.

Animal Control

Councilperson Karen Simmons reported for Dan Moyer who was not in attendance:

- There was a complaint about two dogs on Jones Road going after people walking on the road for exercise.
- The dogs were determined not to be licensed in the Town of Fowler, and the owner was told to license the animals, which had not been done as of meeting time.
- There was a dog complaint on Fullerville Road that ended up being unfounded.
- One dog had been picked up on Emeryville Road, its owner was located, and the animal was returned.
- One dog was reported to be lost on Emeryville Road, and the dog was later found deceased.

Supervisor Newvine asked if the two dogs involved in the attack on another dog, reported at last month's meeting had been licensed. Councilperson Simmons reported the dogs had been re-homed to another town.

Beaver Control

Councilperson Karen Simmons reported for Moyer's Wildlife Control:

- He has completed working on the beaver activity on the upper Stone Road and is in the process of cleaning out the culvert.

- The beavers are now active on the lower Stone Road, which will be worked on next.

Code Enforcement

Code Enforcement Officer Glen Besaw reported:

- There are three new houses that are almost completed, and two more new houses are being built.
- He had a complaint of someone burning trash that he addressed.
- He has noticed people are letting trash and garbage build up again on their properties which he is addressing.

Supervisor Newvine asked if there is a provision for grass length in the Land Use Law. CEO Besaw reported it falls under the State Code, under the property maintenance code which states it can't be more than 10 inches high within a certain distance of a residence.

Supervisor Newvine asked how the clean up is going at the property that was declared a public health hazard on County Route 22. It was discussed the debris from the site is in the works to be removed.

Town Clerk

Town Clerk Tami Gale reported:

- Hunting licenses went on sale on August 1st, and it has been busy.
- DEC Gross sales for the month were \$2,382.00 with the Town of Fowler's Commission being \$131.41. She had licensed 52 dogs, issued 28 death certificates, handled 5 building permit applications, collected \$40.00 in kennel fees, \$3.00 in dog tag sales, sold 1 bicentennial book at a cost of \$5.00, had sold 1 St. Lawrence County map at a cost of \$5.00, and had collected \$2.00 for photocopies.
- The 2022-2023 JCAP Grant was closed out on August 30th.
- She has signed several people up for the Local Government Conference being held on October 10th at SUNY Potsdam. If anyone else is interested in going they can contact her to be signed up by October 3rd.

Highway Department

Highway Superintendent Randy Durham reported:

- Paving is now completed with a cost of \$207,106.35 on pavement and another \$5,250.00 on gravel and another \$17,682 on mixing up the gravel mulch, for a cost of about \$230,000.00.
- CHIPS was budgeted this year at \$312,000.00. He reported that after claiming Extreme Weather NY and PAVE NY we will still have approximately \$70,000.00 left over, which will roll back into the highway budget for next year.
- Next year's paving will include Popple Hill Rd, Little York Rd, and Sylvia Lake Rd.
- The highway department completed their required OSHA training on August 31st.
- Asked the board what the policy is regarding employees with COVID and their pay, stating a highway worker has tested positive. It was discussed the Town of Fowler presently doesn't have a policy and will check with the Association of Towns.
- Fire inspections on fire extinguishers will be completed this Thursday and he will need all fire extinguishers brought to the Town Barn for the inspections to be completed.

QUOTE

- Provided a quote from Blevins Ford for a new 2023 Ford F250 Highway Superintendent's truck. The cost of the truck is \$50,425.00 less \$1,000.00 GPC (government price concession) making the total price \$49,425.00, and a new plow for the truck priced from Whitesboro at a cost of \$8,200 for an eight and a half foot V- Plow.

Supervisor Newvine asked Hwy. Superintendent Durham if there was money in this year's highway budget for the purchase. It was discussed the highway budget did have the money to make the purchase as they have

not purchased any new equipment this year. After some discussion, a motion was made by Councilperson Andrews seconded by Councilperson Cleveland to approve the purchase. All in Favor. MOTION CARRIED.

Councilmembers

Councilperson Cleveland:

- Thanked maintenance worker Byron Woodward for all the hours he has put in assisting with the installation of the new equipment for the playground.
- Thanked Stephen Gale for his help installing the new rock-climbing wall and Town Clerk Tami Gale for her assistance in purchasing.
- Thanked Hwy. Superintendent Durham and the highway department workers for their help picking up the new mulch for the playground and assisting in distributing it.
- Reported he will be purchasing some miscellaneous tools, and a pressure washer with playground funds to assist in maintaining the playground.
- Reported he had received a complaint about vehicles parking on the Country Club Rd, near the farm stand, that has been discussed at several board meetings, with concerns of it creating a road hazard.

Councilperson Jeff Andrews:

- Thanked Councilperson Cleveland, Byron Woodward, and Stephen Gale for their work on the playground.
- Asked Hwy. Superintendent Durham about the status of BOCES and the 1998 International Plow Tuck. Hwy. Superintendent Durham reported that he needed to contact BOCES now that school is back in session.
- Asked if he is using the broom that he had received from either the County or another township. Hwy. Superintendent Durham stated that he did need to purchase a new broom.

Councilperson Karen Simmons:

- Asked if Truck 5 was out of the shop and if it had been figured out what was the matter with it. Hwy. Superintendent Durham stated he would call and check on it tomorrow.
- Reported in the month of August 18 people visited the HAP Program.
- Reported the next SOS Program delivery will be made on September 22nd. There are 101 senior citizens who have signed up for the program.

Councilperson Lynn Bishop:

- Had his questions answered earlier in the meeting and had no further commentary.

Supervisor Ricky W. Newvine:

- Reported the deadline discussed earlier in the meeting for the litigation involving the Town of Fowler and the Power Dams needed to be extended as the appraisal was supposed to be in by October 23rd, and the appraisal service could not get it done in time to meet the deadline. He reported that Assessor Chair Besaw had sent a letter to our Town Attorney stating the Town of Fowler needed to ask for an extension for the appraisal to be completed.
- The Sylvia Lake beach is now closed for the season.
- The Town had received its fine notice from the Department of Health for violations of the New York State Law, Sanitary Code. The fine was \$400.00, costing \$100.00 each per four violations and could have been up to \$2,000 per violation.

- Reported the beach had a second inspection completed with no violations later in the season and discussed that it served as a learning experience for the lifeguards and the town.
- Thanked lifeguard Sabrina Jones for cleaning the beach at the close of the season and for bringing in the dock.
- Reported he had spoken to Ashley Twining regarding the possibility of a boat launch on the property of Doctor Twining's land.
- Reported he had inquired about the use of ATVs' and UTVs' in ST. Lawrence County. He had learned that they are only allowed on designated trails and may be used on a road that is on the designated trail and nowhere else.
- Asked Hwy. Superintendent Durham if he would clean the culvert out on County Route 22, across from Richards Auto, where the sand is running into the roadway. Hwy. Superintendent Durham stated he would look at it.
- Reported he had received correspondence from National Grid regarding advanced metering infrastructure smart meter update.
- He and Hwy. Superintendent Durham had a meeting with a representative of NYMIR, the Town Insurance provider, who had several recommendations he will be forwarding to the town.

Public Comment

- Byron Woodward discussed the beavers are back and he had cleaned out a culvert and left the debris for the highway department to pick up. He reported there is 2ft of sand and gravel that is washed into a creek on the Little York Road. Supervisor Newvine asked Hwy. Superintendent Durham how the issue could be fixed. It was discussed that the area should be ditched, and new drainage installed properly with culverts in each driveway like it is supposed to be.

Supervisor Newvine asked Hwy. Superintendent Durham if the problem can be corrected when paving is done on the Little York Rd next year. Hwy. Superintendent Durham said it is going to be another issue like the one they had dealt with in Hailesboro, and he can correct it if the board gives him permission to do it. After some further discussion it was the consensus of the board to have the issue corrected when next year's paving is completed on the Little York Rd.

Councilperson Bishop stated there is a catch basin at the four corners of Little York Rd and Emeryville Rd that needs to be cleaned out.

- Byron Woodward asked if the area can be dug out this year to relieve some of the problem. Hwy. Superintendent Durham reported he would look at it.
- Byron Woodward recommended a light be installed on the Town of Fowler plow trucks, like the Town of Theresa has, which illuminates the plow trucks extremely well.
- Vivian Goodman asked when an employee takes a covid test at home and gets a positive result if they then need to get a covid test done at the hospital. Councilperson Cleveland stated it is not required; the person who tests positive just needs to report it to the Department of Public Health which can be done online.
- Richard Clement asked Hwy. Superintendent Durham to ask the County to come back and correct a recent job they had performed poorly near his house on County Route 24.
- Karen Simmons asked Supervisor Newvine if he had contacted Tripp Fuels about burying the fuel lines to the generator located outside of the Town Hall. It was discussed Supervisor Newvine would give them a call.

- Planning Board Chair Stephen Gale reported the proposed dock regulations had been taken to the Town Attorney's office.
- John Walsh reported there is a slide on the playground that has some peeling areas on it.
- Glen Besaw asked Hwy. Superintendent Durham to look at a section of the road side on the Bay Rd by his house.

Supervisor Newvine asked for a motion to audit the bills. A motion was made by Councilperson Cleveland seconded by Councilperson Bishop to audit the bills. All in Favor. MOTION CARRIED.

The bills audited for the General and Highway Fund were #334 to #377, with a total of \$213,054.43.

The next regularly scheduled board meeting will be held on October 4th, 2023, at 6:00PM.

With no further business, on a motion of Councilperson Andrews, seconded by Councilperson Cleveland, the September 11th, 2023, Regular Town Board meeting was adjourned at 6:58PM. CARRIED UNANIMOUSLY.

Tami Gale; Town Clerk